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3M COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)

3M COMPANY,

Plaintiff,

v.

MAURICE KANBAR, MK ENTERPRISES
INC., ROLLIT, LLC, AND REX PRODUCTS
INC.,

Defendants.

Case No. C 06-01225 JW (HRL)

**STIPULATED REQUEST FOR ORDER
CHANGING TIME**

Pursuant to Local Rule 6-2, Plaintiff 3M Company ("3M") and Defendants Maurice Kanbar, MK Enterprises Inc., Rollit, LLC, and Rex Products, Inc. ("Defendants") file this stipulation requesting an enlargement of the schedule in this case. In support of this stipulation, the parties submit the declaration of David J. Miclean, counsel for 3M, which sets forth the facts that necessitated the requested enlargement. The parties believe good cause for the enlargement exists for the following reasons.

On April 5, 2005, after entering a preliminary injunction against Defendants, the Court entered an expedited schedule based upon an agreement of the parties. [Docket No. 28.] Under the expedited schedule, discovery is set to close on October 15, 2006 and a preliminary pretrial conference is scheduled for October 30, 2006. *Id.* A trial date has not been set. *Id.*

On August 15, 2006, the parties participated in a settlement conference with Magistrate Judge Seeborg. Miclean Decl., ¶ 4. To minimize costs, the parties delayed a number of depositions and postponed other such discovery activities until after the settlement conference. The settlement conference did not result in the parties reaching a settlement. *Id.* As such, the parties now must reschedule the discovery activities that were postponed pending the outcome of the settlement conference.

To allow the parties adequate time to complete discovery and prepare for trial, the parties have stipulated and agreed to the following schedule:

Case Management Conference	October 30, 2006
Fact discovery closes	March 30, 2007
Serve expert reports for issues on which party bears the burden	April 20, 2007
Rebuttal expert reports	May 18, 2007
Expert discovery closes	June 8, 2007
Deadline for dispositive motion	June 22, 2007
Pretrial conference	July 23, 2007
Trial ready date	August 20, 2007

1 There have been no prior modifications to the schedule set forth in the Court's April 5,
2 2006 Order. *Id.*, ¶ 5. The requested time modification would re-set the entire schedule for this
3 case, and the parties would be prepared to try the case in August 2007. *Id.*, ¶ 6.

4 Based on the foregoing, the parties respectfully request that the Court grant the parties
5 stipulated request.

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7 Dated: September 19, 2006

Respectfully submitted,

FISH & RICHARDSON P.C.

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9 By: 

David J. Miclean

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11 Attorneys for Plaintiff
12 3M COMPANY

13 Dated: September 19, 2006

LAW OFFICES OF JODY C. WEINER &
ASSOCIATES

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16 By: _____

Jody C. Weiner

17 Attorneys for Defendants
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21 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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23 Dated: _____

United States District Judge

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Respectfully submitted,

FISH & RICHARDSON P.C.

9 By: _____

10 David J. Miclean

11 Attorneys for Plaintiff
12 3M COMPANY

13 Dated: September 19, 2006

LAW OFFICES OF JODY C. WEINER &
ASSOCIATES

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16 By: Jody C. Weiner

Jody C. Weiner

17 Attorneys for Defendants

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21 PURSUANT TO STIPULATION, IT IS SO ORDERED:

22 Dated: 9/21/2006

James H. Hise
United States District Judge